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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/573,828	MOISO, CORRADO
	Examiner	Art Unit
	SURAJ JOSHI	2447

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 February 2009*.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *23,25,27-33,35,37-42 and 44* is/are pending in the application.
      4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *23,25,27-33,35,37-42 and 44* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *29 March 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
      Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
      Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
      a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
      * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
      Paper No(s)/Mail Date *2/06/2009*.

4) ☐ Interview Summary (PTO-413)
      Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   The applicants amended Claims 23, 32, 33, 42, and 44, and cancelled claims 24,

26, 34, 36, and 43 in the amendment filed 2/20/2009.

2.   Claims 23, 25, 27-33, 35, 37-42 and 44 are pending.

Response to Arguments

3.   Applicant's arguments with respect to claims 23, 25, 27-33, 35, 37-42 and 44

have been considered but are moot in view of the new ground(s) of rejection.

A.   The applicant argues that rejections, under 35 U.S.C. Section 101, are

improper.

However, the examiner respectfully traverses. A server is software program

which provides a specific kind of service to client software running on a server

computer. On page 12 of applicant's specification Parlay gateway is defined as a

system consisting of several modules. Furthermore a system is considered merely

software unless tied to a specific hardware component. Claims 33-44 contain a

system/server and a Parlay gateway, however there is no explicit mention of any

hardware components. Also in the specification, there is no explicit definition of server,

system or Parlay Gateway as including hardware components. Thus the 101 rejection

is proper.

C. The applicant argues that there is no motivation to combine Services

Overview in view of Architecture Comparison

However, the examiner respectfully traverses. Applicant agues that the

motivation to combine Services Overview in view of Architecture Comparison is lacking,

and a prima facie case of obviousness has therefore failed.

In response to applicant's argument that there is no suggestion to combine the

references, the examiner recognizes that obviousness can only be established by

combining or modifying the teachings of the prior art to produce the claimed invention

where there is some teaching, suggestion, or motivation to do so found either in the

references themselves or in the knowledge generally available to one of ordinary skill in

the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re*

Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, as motivation to

"enable application developers to access telecom network capabilities through an open

interface" is found the Architecture Comparison reference (Page 6, Section 4).

Therefore, the applicant's arguments are not persuasive.

D. The applicant argues that there is no motivation to combine Services

Overview in view of Application Deployment

However, the examiner respectfully traverses. Applicant agues that the

motivation to combine Services Overview in view of Application Deployment is lacking,

and a prima facie case of obviousness has therefore failed.

In response to applicant's argument that there is no suggestion to combine the

references, the examiner recognizes that obviousness can only be established by

combining or modifying the teachings of the prior art to produce the claimed invention

where there is some teaching, suggestion, or motivation to do so found either in the

references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, as motivation to "provide developers with additional choices for how applications are built and deployed, and will provide Service Providers with a broader scope of market opportunity as they reach emerging markets that are being enabled for Web Services" is found the Application Deployment reference (Page 6, Section 3).

Therefore, the applicant's arguments are not persuasive.

Information Disclosure Statement

4.   The information disclosure statement (IDS) submitted on 2/06/2009 was filed after the mailing date of the instant application on 3/29/2006. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

5.   Claims 35, 37-42 are objected to because of the following informalities:

- Claim 35, Line 1 states "The system of claim 33" and should state "The communication network of claim 33"

- Claim 37, Line 1 states "The system of claim 33" and should state "The communication network of claim 33"

- Claim 38, Line 1 states "The system of claim 33" and should state "The communication network of claim 33"

- Claim 39, Line 1 states "The system of claim 38" and should state "The

  communication network of claim 38"

- Claim 40, Line 1 states "The system of claim 35" and should state "The

  communication network of claim 35"

- Claim 41, Line 1 states "The system of claim 40" and should state "The

  communication network of claim 40"

- Claim 42, Line 1 states "The system of claim 35" and should state "The

  communication network of claim 35"

Appropriate correction is required.

Specification

6.   The specification is objected to as failing to provide proper antecedent basis for

the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction

of the following is required:

- In Claim 44, Line 1 "computer readable medium" is not defined in the

  specification.

Claim Rejections - 35 USC § 101

7.   "Computer readable medium" in Claim 44, is interpreted to as a medium that

excludes a paper and transmission type of medium, such as a signal.

8.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

9.   Claims 33, 35, 37-42 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

With regards to Claim 33, the claim lacks the necessary physical articles or

objects to constitute a machine or a manufacture within the meaning of 35 U.S.C. 101.

They are clearly not a series of steps or acts to be a process nor are they a combination

of chemical compounds to be a composition of matter. As such, they fail to fall within a

statutory category. They are, at best, functional descriptive material *per se*. The claims

35, 37-42 are likewise rejected.

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

11.   Claims 23, 28-29, 33, 38-39, and 44 are rejected under 35 U.S.C. 103(a) as

being unpatentable over The Parlay Group, Parlay Web Services Overview,

10/31/2002, pages 1-21,

http://web.archive.org/web/20030320124225/http://www.parlay.org/specs/ParlayWebSe

rvices-Overview1_0.pdf, ("Services Overview") in view of Maes (US 2005/0015340 A1).

With regards to Claim 23, Services Overview teaches a method for providing

access to Parlay X web services providing WSDL interfaces (i.e., Parlay X Application

Interface – Parlay X is a set of high level application interfaces defined in WSDL. The

Parlay Web Services Gateway may support Parlay X Application Interfaces, Page 11,

Section 5.4, Figure 3), said services being deployed in the domain of a

telecommunication operator, by software applications comprising the steps of providing

a Parlay gateway permitting access to said Parlay X web services (i.e., Parlay X

Application Interface – Parlay X is a set of high level application interfaces defined in

WSDL. The Parlay Web Services Gateway may support Parlay X Application Interfaces,

Page 11, Section 5.4), said Parlay gateway comprising a Parlay framework (i.e., A

Parlay/OSA Service is provided through a Parlay/OSA Gateway, with the telecom

network behind the gateway form the viewpoint of the Application. The application

interface provided by the Gateway consists of the Parlay Framework interfaces and one

or more Service Capability Servers (SCS), Page 9, Section 5.3); providing a set of

modules comprising service interfaces for said software applications, the modules in

said set acting as proxies in order to perform requests for access to web services on the

framework of said Parlay gateway on behalf of said software applications (i.e., Parlay

Web Services Gateway – an intermediary between the Parlay Application Server and

Parlay/OSA Gateway or other network element, providing a proxy function for the

Parlay/OSA Framework capabilities that enable Web Services solutions to be deployed

using intermediate servers, Page 11, Section 5.4); and configuring the modules in said

set for performing authentication, authorization, and execution requests on said Parlay

gateway on behalf of said software applications (i.e., Parlay Framework – A set of

functions for authentication, access control, service discovery and other capabilities,

which offers secure and controlled access to network capabilities embodied in Services,

Page 11, Section 5.3). However, Services Overview does not explicitly disclose

software applications deployed in third party administrative domains. Maes does teach

software applications deployed in third party administrative domains (i.e., The

embodiment given in FIG. 5, illustrates fully distributed functions between

application/requester, enablers, directory and access network provider. In other

embodiments, a more web service-centric embodiment, such as Parlay (Corba or Web

Service realization) can also be mapped as particular deployment choices of the

transparent proxy approach realized in the corresponding technology, Paragraph 84; In

FIG. 1, a network is illustrated including a number of requestors, a number of service

providers ... In this embodiment, requestors are not limited to a wireless device and can

be another service or enabler located in the network (within the domain of the service

provider) or in other domain, Paragraph 33) in order to provide a new common

framework for secure support of mobile service enablers that relies on supporting

functions and hand holding, and that in the case of web services is interoperable with

web service security, Paragraph 8. Therefore, based on Services Overview in view of

Maes, it would have been obvious to one having ordinary skill in the art at the time the

invention was made to utilize the teaching of Maes to the system of Services Overview

in order to provide a new common framework for secure support of mobile service

enablers that relies on supporting functions and hand holding, and that in the case of

web services is interoperable with web service security.

With regards to Claim 28, Services Overview teach the step of providing a

distributed processing mechanism enabling said modules in said set to interact with said

Parlay framework in said Parlay gateway via said distributed processing mechanism

(i.e., i.e., In fact, a single Parlay Gateway or Parlay Web Service Gateway may support both sets of WSDL interfaces simultaneously, or a combination of WSDL interfaces and CORBA interfaces (or other interface) simultaneously, Page 20, Section 9.1)

With regards to Claim 29, Services Overview teach that said distributed processing mechanism is CORBA (i.e., In fact, a single Parlay Gateway or Parlay Web Service Gateway may support both sets of WSDL interfaces simultaneously, or a combination of WSDL interfaces and CORBA interfaces (or other interface) simultaneously, Page 20, Section 9.1).

The limitations of Claim 33 are rejected in the analysis of Claim 23 above, and the claim is rejected on that basis.

The limitations of Claim 38 are rejected in the analysis of Claim 28 above, and the claim is rejected on that basis.

The limitations of Claim 39 are rejected in the analysis of Claim 29 above, and the claim is rejected on that basis.

With regards to claim 44, Services Overview further teaches a computer readable medium encode with a computer program product loadable in the memory of at least one computer and including software portions (i.e., Services Host – the computer on which a Service is hosted. The application has no visibility to the host configuration, Page 10, Section 5.3).

12. Claims 25, 30-32, 35, 40-42, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over The Parlay Group, Parlay Web Services Overview, 10/31/2002, pages 1-21,

http://web.archive.org/web/20030320124225/http://www.parlay.org/specs/ParlayWebSe

rvices-Overview1_0.pdf, ("Services Overview") in view of Maes (US 2005/0015340 A1)

and further in view of The Parlay Group, Parlay Web Services Architecture Comparison,

10/31/2002, pages 1-17,

http://web.archive.org/web/20030320084322/http://www.parlay.org/specs/ParlayWebSe

rvices-ArchitectureComparison1_0.pdf, ("Architecture Comparison").

With regards to Claim 25, Services Overview and Maes teach the above

disclosed subject matter, however, Services Overview and Maes do not explicitly

disclose the step of providing a further set of modules configured for implementing the

behavior of said web services once said requests on said Parlay framework of said

Parlay gateway have been performed on behalf of said software applications by the

modules in said set. Architecture Comparison teaches the step of providing a further

set of modules configured for implementing the behavior of said web services once said

requests on said Parlay framework of said Parlay gateway have been performed on

behalf of said software applications by the modules in said set (i.e., Finally, the agreed

parameters are signed, and the Framework returns to the Application the references to

the requested Services. These are valid only for a single session of the Application. In

addition, the associated behavior could be specialized according to the negotiated

parameters, Page 7, Section 4) in order to enable application developers to access

telecom network capabilities through an open interface (Page 6, Section 4). Therefore,

based on Services Overview in view of Maes, and further in view of Architecture

Comparison, it would have been obvious to one of ordinary skill in the art at the time of

the invention was made to utilize the teachings of Architecture Comparison to the

system of Services Overview and Maes in order to enable application developers to

access telecom network capabilities through an open interface (Page 6, Section 4).

With regards to Claim 30, Services Overview teach the step of providing a

respective distributed processing mechanism enabling said modules in said further set

to interact with said Parlay framework in said Parlay gateway via said respective

distributed processing mechanism (i.e., i.e., In fact, a single Parlay Gateway or Parlay

Web Service Gateway may support both sets of WSDL interfaces simultaneously, or a

combination of WSDL interfaces and CORBA interfaces (or other interface)

simultaneously, Page 20, Section 9.1).

With regards to Claim 31, Services Overview teaches that said respective

distributed processing mechanism is CORBA (i.e., In fact, a single Parlay Gateway or

Parlay Web Service Gateway may support both sets of WSDL interfaces

simultaneously, or a combination of WSDL interfaces and CORBA interfaces (or other

interface) simultaneously, Page 20, Section 9.1).

With regards to Claim 32, Services Overview and Maes teach the above

discussed subject matter, however Services Overview and Maes do not explicitly

disclose that the step of one of said software applications accessing a web services

comprising the steps of: said software application subscribing a module in said further

set corresponding to said web service and configuring the service properties of said

subscribed module in said further set, wherein both said operations are performed by

using the tools provided by said Parlay framework in said Parlay gateway. Architecture

Comparison teach that the step of one of said software applications accessing a web

service comprising the steps of: said software application subscribing to a module in

said further set corresponding to said web service (i.e., In order to enable that the

implementation of a Service that can be selected and returned to an Application by the

Framework function, the Service must register itself to the Framework function (Figure

3): the Service invokes the Service Registration API after authentication and

authorization steps. When the Service is selected by an Application, the Framework

invokes the Service Factory Interface provided by the Service, getting the Service

reference to be returned to the Application, which can then use it to access the Service,

Page 8, Section 4) and configuring the service properties of said subscribed module in

said further set, wherein both said operations are performed by using the tools provided

by said Parlay framework in said Parlay gateway (i.e., In the Parlay architecture, the

Framework functions play a critical role. The principal functions provided by a

Framework are: Secure, controlled and accountable access to the Services;

Incremental introductions of new Services through the Service registration process;

Management of the integrity of the whole Parlay/OSA system (i.e., Applications and

Services), such as fault handling and load control, Page 8, Section 4) in order to enable

application developers to access telecom network capabilities through an open interface

(Page 6, Section 4). Therefore, based on Services Overview in view Maes, and further

in view of Architecture Comparison, it would have been obvious to one of ordinary skill

in the art at the time the invention was made to utilize the teachings of Architecture

Comparison to the system of Services Overview and Maes in order to enable

application developers to access telecom network capabilities through an open interface

(Page 6, Section 4).

The limitations of Claim 35 are rejected in the analysis of Claim 25 above, and

the claim is rejected on that basis.

The limitations of Claim 40 are rejected in the analysis of Claim 30 above, and

the claim is rejected on that basis.

The limitations of Claim 41 are rejected in the analysis of Claim 31 above, and

the claim is rejected on that basis.

The limitations of Claim 42 are rejected in the analysis of Claim 32 above, and

the claim is rejected on that basis.

With regards to claim 44, Services Overview further teaches a computer

readable medium encode with a computer program product loadable in the memory of

at least one computer and including software portions (i.e., Services Host – the

computer on which a Service is hosted. The application has no visibility to the host

configuration, Page 10, Section 5.3).

13.   Claims 27, 37, and 44 are rejected under 35 U.S.C. 103(a) as being

unpatentable over The Parlay Group, Parlay Web Services Overview, 10/31/2002,

pages 1-21,

http://web.archive.org/web/20030320124225/http://www.parlay.org/specs/ParlayWebSe

rvices-Overview1_0.pdf, ("Services Overview") in view of Maes (US 2005/0015340 A1)

and further in view of The Parlay Group, Parlay Web Services Application Deployment

Infrastructure, 10/31/2002, pages 1-21,

http://web.archive.org/web/20030320112944/http://www.parlay.org/specs/ParlayWebSe

rvices-ApplicationDeploymentInfrastructure1_0.pdf, ("Application Deployment").

With regards to Claim 27, Services Overview and Maes teach the above

discussed subject matter, however Services Overview and Maes do not explicitly

disclose the step of defining at least one web service security protocol for ensuring

secure interaction between said software applications and the modules in said set.

Application Deployment Infrastructure teaches the step of defining at least one web

service security protocol for ensuring secure interaction between said software

applications and the modules in said set (i.e., In a Web Service deployment where a

Parlay Web Service Gateway is the entity being bound to by the Parlay Application, the

Parlay Web Services Gateway may implement a Parlay Framework using the Parlay

Web Services Interfaces, or it may implement a Web security model…The security

model must provide policies for both authentication and access control, and these

policies may be very strict or lax, Page 11, Section 4.5.4) in order to provide developers

with additional choices for how applications are built and deployed, and will provide

Service Providers with a broader scope of market opportunity as they reach emerging

markets that are being enabled for Web Services (Page 6, Section 3). Therefore, based

on Services Overview in view Maes, and further in view of Application Deployment, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to utilize the teachings of Application Deployment to the system of Services

Overview and Maes in order to provide developers with additional choices for how

applications are built and deployed, and will provide Service Providers with a broader

scope of market opportunity as they reach emerging markets that are being enabled for

Web Services (Page 6, Section 3).

The limitations of Claim 37 are rejected in the analysis of Claim 27 above, and

the claim is rejected on that basis.

With regards to claim 44, Services Overview further teaches a computer

readable medium encode with a computer program product loadable in the memory of

at least one computer and including software portions (i.e., Services Host – the

computer on which a Service is hosted. The application has no visibility to the host

configuration, Page 10, Section 5.3).

Conclusion

14.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to SURAJ JOSHI whose telephone number is (571) 270-
7209. The examiner can normally be reached on Monday to Friday, 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, James Hwang can be reached on (571) 272-4036. The fax phone number
for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
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USPTO Customer Service Representative or access to the automated information
system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Suraj Joshi/
April 15, 2009
Art Unit 2447

/Joon H. Hwang/
Supervisory Patent Examiner, Art Unit 2447